

EXHIBIT E

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 SLEVIN CAPITAL INVESTMENTS, INC.

11 UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 *IN RE: VOLKSWAGEN "CLEAN DIESEL"*
MARKETING, SALES PRACTICES, AND
 14 *PRODUCTS LIABILITY LITIGATION*

LEAD CASE No. 15-md-02672- CRB

**ICONIC MOTORS, INC.'S AND SLEVIN
 CAPITAL INVESTMENTS, INC.'S RULE
 26(a)(1) INITIAL DISCLOSURES**

15 This submission relates to:

16 *Iconic Motors, Inc. v. Volkswagen Group of*
America, Inc., No. 3:17-cv-3185-CRB

18 ICONIC MOTORS, INC. d/b/a ELGIN
 19 VOLKSWAGEN, an Illinois corporation; and
 SLEVIN CAPITAL INVESTMENTS, INC.,
 20 an Illinois corporation

21 Plaintiffs,

22 v.

23 VOLKSWAGEN GROUP OF AMERICA,
 INC., a New Jersey Corporation;
 24 VOLKSWAGEN AG, a German corporation,
 ROBERT BOSCH, LLC, a Michigan limited
 25 liability company, and ROBERT BOSCH
 GmbH, a German private limited company.

26 Defendants.

Lead Case No. 15-md-02672-CRB

ICONIC MOTORS, INC.'S AND SLEVIN CAPITAL INVESTMENTS, INC.'S RULE 26(A)(1)
 INITIAL DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Plaintiffs Iconic Motors, Inc. d/b/a Elgin Volkswagen (“Elgin VW”) and Slevin Capital Investments, Inc. (“SCI”) (Elgin VW and SCI, collectively, “Plaintiffs”) make the following Initial Disclosures.

These Initial Disclosures are based on the allegations Plaintiffs’ First Amended Complaint and reflect the current knowledge of Plaintiffs. These disclosures are made subject to and without waiving Plaintiffs’ rights to assert any applicable privileges and any objections to the competency, relevancy, materiality, use, or admissibility as evidence, for any purpose, of any of these disclosures or the subject matter of these disclosures.

1. FRCP 26(a)(1)(A)(i): The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

Based on present knowledge, the following individuals are likely to have discoverable information that Plaintiffs may use to support their claims:

(a) William Slevin, President, owner and Dealer Operator of Plaintiff Elgin VW, and the owner of Plaintiff SCI, which owns the property and building where Elgin VW is located, may testify regarding his dealership operations and experience in the automotive industry, including for other franchises owned and operated by him, his and Plaintiffs’ business dealings with Volkswagen, the events and circumstances that led to him becoming a VWGoA dealer and the dealer application process, and Plaintiffs’ reliance on various actions, omissions, communications, representations, marketing and advertising on the part of Defendants Volkswagen AG (“VWAG”) and Volkswagen Group of America, Inc. (“VWGoA”) (collectively “Volkswagen”), and Robert Bosch, LLC (“Bosch, LLC”) and Robert Bosch GmbH (“Bosch GmbH”) (collectively, “Bosch”), as well as specific communications, representations and omissions made by representatives of VWGoA, consistent with the allegations in the First Amended Complaint, Elgin VW’s financial statements, and damages suffered by Plaintiffs, including but not limited to expending more than \$13,000,000.00 to fund the acquisition and construction of Elgin VW’s dealership facility, which would not have been done, but for the actions and fraud of Defendants, financial losses, lost profits, lost trade-ins, and lost service revenue. In addition, Mr. Slevin may testify to any of the topics

1 identified for other witnesses in (b) through (g) below. Mr. Slevin may be reached through counsel
2 for Plaintiffs.

3 (b) Marty O'Donnell, Chief Controller, Slevin Automotive Group, may testify
4 regarding Elgin VW's operations, the impact of the TDI emissions scandal on Elgin VW, the
5 customer service and staffing challenges at Elgin VW caused by the TDI emissions scandal,
6 inventory shortages, the events and circumstances that led to Slevin applying to become a VWGoA
7 dealer and the application process, Elgin VW's financial statements, communications he has had
8 with VWGoA and its agents (including but not limited to Skip Redman), and damages suffered by
9 Plaintiffs, including but not limited to expending more than \$13,000,000.00 to fund the acquisition
10 and construction of Elgin VW's dealership facility, which would not have been done, but for the
11 actions and fraud of Defendants, financial losses, lost profits, lost trade-ins, and lost service
12 revenue. Mr. O'Donnell may be reached through counsel for Plaintiffs.

13 (c) George Poulos, General Manager at Elgin VW may testify regarding Elgin VW's
14 operations, the impact of the TDI emissions scandal on Elgin VW, the customer service and
15 staffing challenges at Elgin VW caused by the TDI emissions scandal, inventory shortages, and
16 communications he has had with VWGoA and its agents. Mr. Poulos may be reached through
17 counsel for Plaintiffs.

18 (d) Marco Palacios, Sales Manager at Elgin VW may testify regarding Elgin VW's
19 operations, the impact of the TDI emissions scandal on Elgin VW, the customer service and
20 staffing challenges at Elgin VW caused by the TDI emissions scandal, inventory shortages, and
21 communications he has had with VWGoA and its agents. Mr. Palacios may be reached through
22 counsel for Plaintiffs.

23 (e) Alan S. Bloom, Bloom General Contracting, Inc. may testify regarding his
24 knowledge of the construction of the Elgin VW's facility, conversations he had with VWGoA
25 regarding its dealership facilities and dealership facility requirements, and VWGoA's insistence
26 that Elgin VW finish construction as soon as possible. Bloom General Contracting, Inc., 25601 W.
27 Eight Mile Rd., Redford, Michigan 48240, 313-532-8860.

28 (f) Gary Laundroche, Bloom General Contracting, Inc., may testify regarding his

1 knowledge of the construction of the Elgin VW's facility. Bloom General Contracting, Inc., 25601
2 W. Eight Mile Rd., Redford, Michigan 48240, 313-532-8860.

3 (g) Randy Arnold, Ernst & Morris Consulting Group, Inc., may testify to the costs and
4 expenses to construct the Elgin VW facility and to purchase the property where it is located,
5 including but not limited to a Cost Segregation Analysis prepared by Ernst & Morris. Ernst &
6 Morris Consulting Group, Inc., 2190 Dallas Highway, Marietta Georgia, 30064, (770) 427-9677.

7 (h) Gordon Munroe, VWGoA's General Manager for Network Development in the
8 Midwest Region, may testify regarding his and VWGoA's actions, business dealings with and
9 communications, representation and omissions directed toward Plaintiffs regarding among other
10 things the scope of the emissions scandal and steps to be taken by Volkswagen to resolve the issues
11 in a short time frame. Plaintiffs understand that Mr. Munroe may be reached through VWGoA's
12 counsel of record.

13 (i) Merriman King, VWGoA's Director of the Midwest Region, may testify regarding
14 his and VWGoA's actions, business dealings with and communications, representation and
15 omissions directed toward Plaintiffs including among other things the scope of the emissions
16 scandal and steps to be taken by Volkswagen to resolve the issues in a short time frame. Plaintiffs
17 understand that Mr. King may be reached through VWGoA's counsel of record.

18 (j) John "Skip" Redman, a VWGoA employee and agent, may testify regarding his
19 evaluation of the Elgin VW shortly after it opened, as well as his and VWGoA's actions, business
20 dealings with and communications, representation and omissions directed toward Plaintiffs, his
21 relationship with Urban Science, and Urban Science's role in evaluating and assessing Elgin VW's
22 market area and dealership. Plaintiffs understand that Mr. Redman may be reached through
23 VWGoA's counsel of record.

24 (k) Mark McNabb, a former VWGoA employee and agent, may testify regarding his
25 knowledge of the TDI emissions scandal and how it was responded to and handled by VWGoA, as
26 well as his relationship with William Slevin before he applied to become a VWGoA dealer, his
27 knowledge of Slevin's credentials as a successful and knowledgeable motor vehicle dealer
28 operator, his recommendations that Slevin become a VWGoA dealer, Slevin's investment in Elgin

1 VW's dealership facility and property, conversations that Munroe and King had with Slevin about
2 becoming a VWGoA dealer, about constructing the Elgin VW dealership facility, and the impact of
3 the TDI emissions scandal on Elgin VW. Plaintiffs do not have current contact information for Mr.
4 McNabb.

5 (l) Bill Pulda, a VWGoA Sales and Distribution Manager for the Midwest Region, may
6 testify regarding his knowledge of Elgin VW's business operations, sales and service performance,
7 and the impact of the TDI emissions scandal on Elgin VW and the Midwest Region. Plaintiffs
8 understand that Mr. Pulda may be reached through VWGoA's counsel of record.

9 (m) Robert V. Parkins, a VWGoA Regional Used Car Manager for the Midwest Region,
10 may testify regarding his knowledge of Elgin VW's business operations, sales and service
11 performance, and the impact of the TDI emissions scandal on Elgin VW and the Midwest Region.
12 Plaintiffs understand that Mr. Parkins may be reached through VWGoA's counsel of record.

13 (n) Jason Haden, a VWGoA General Manager of Sales Operations for the Midwest
14 Region, may testify regarding his knowledge of Elgin VW's business operations, sales and service
15 performance, and the impact of the TDI emissions scandal on Elgin VW and the Midwest Region.
16 Plaintiffs understand that Mr. Haden may be reached through VWGoA's counsel of record.

17 (o) Bob Kim, a VWGoA General Manager of Network Operations, may testify
18 regarding his knowledge of Elgin VW's business operations, sales and service performance, and
19 the impact of the TDI emissions scandal on Elgin VW and the VWGoA national dealer network,
20 and the communication of the TDI emissions scandal to the VWGoA national dealer network.
21 Plaintiffs understand that Mr. Kim may be reached through VWGoA's counsel of record.

22 (p) Alan Yax, a VWGoA General Manager of Fixed Operations for the Midwest
23 Region, may testify regarding his knowledge of Elgin VW's business operations, sales and service
24 performance, and the impact of the TDI emissions scandal on Elgin VW and the Midwest Region.
25 Plaintiffs understand that Mr. Yax may be reached through VWGoA's counsel of record.

26 (q) Martin Winterkorn, former Chief Operating Officer of VWAG, may testify
27 regarding his and WVAG's knowledge, approval, authorization, direction, ratification and/or
28 participation in the development and use of the defeat devices in Volkswagen vehicles, and the

1 fraud and conspiracy engaged in by Defendants as alleged in the First Amended Complaint.
2 Plaintiffs understand that Mr. Winterkorn currently resides in Germany, but has been charged with
3 criminal conspiracy and wire fraud in the United States.

4 (r) Matthias Müller, former Chief Operating Officer of VWAG (succeeding
5 Winterkorn) and long-time employee and officer with Volkswagen companies, may testify
6 regarding his and VWAG's knowledge, approval, authorization, direction, ratification and/or
7 participation in the development and use of the defeat devices in Volkswagen vehicles, and the
8 fraud and conspiracy engaged in by Defendants as alleged in the First Amended Complaint.
9 Plaintiffs understand that Mr. Müller currently resides in Germany.

10 (s) Michael Horn, former President and CEO of VWGoA, may testify regarding his and
11 VWGoA's knowledge, approval, authorization, direction, ratification and/or participation in the
12 development and use of the defeat devices in Volkswagen vehicles, and the fraud and conspiracy
13 engaged in by Defendants as alleged in the First Amended Complaint. Plaintiffs do not know where
14 Mr. Horn currently resides.

15 (t) Rupert Stadler, the Head of the Board of Management's Office for Volkswagen and
16 the Head of Group Product Planning, may testify regarding his and Volkswagen's knowledge,
17 approval, authorization, direction, ratification and/or participation in the development and use of
18 the defeat devices in Volkswagen vehicles, and the fraud and conspiracy engaged in by Defendants
19 as alleged in the First Amended Complaint. Plaintiffs understand that Mr. Stadler currently resides
20 Germany and is subject to a criminal investigation there.

21 (u) Richard Dorenkamp, the former head of Volkswagen's Engine Development After-
22 Treatment Department, may testify regarding the development of the EA189 engine, his and
23 VWAG's knowledge, approval, authorization, direction, ratification and/or participation in the
24 development and use of the defeat devices in Volkswagen vehicles, and the fraud and conspiracy
25 engaged in by Defendants as alleged in the First Amended Complaint. Plaintiffs understand that
26 Mr. Dorenkamp currently resides Germany and is subject to criminal charges in the United States
27 and a criminal investigation in Germany.

28 (v) Heinz-Jakob Neusser, the former head of Development for the VW Brand, sat on the

1 management board for the VW Brand, and served as head of Engine Development for all of
2 VWAG, may testify regarding his and Volkswagen's knowledge, approval, authorization,
3 direction, ratification and/or participation in the development and use of the defeat devices in
4 Volkswagen vehicles, and the fraud and conspiracy engaged in by Defendants as alleged in the
5 First Amended Complaint. Plaintiffs understand that Mr. Neusser currently resides Germany and is
6 subject to criminal charges in the United States.

7 (w) Jens Hadler, the former head of the VW Brand Engine Development department,
8 may testify regarding his and VWAG's knowledge, approval, authorization, direction, ratification
9 and/or participation in the development and use of the defeat devices in Volkswagen vehicles, and
10 the fraud and conspiracy engaged in by Defendants as alleged in the First Amended Complaint.
11 Plaintiffs understand that Mr. Hadler currently resides Germany and is subject to criminal charges
12 in the United States.

13 (x) Bernd Gottweis, a former supervisor with responsibility for VWAG's Quality
14 Management and Product Safety department, may testify regarding his and VWAG's knowledge,
15 approval, authorization, direction, ratification and/or participation in the development and use of
16 the defeat devices in Volkswagen vehicles, and the fraud and conspiracy engaged in by Defendants
17 as alleged in the First Amended Complaint. Plaintiffs understand that Mr. Gottweis currently
18 resides Germany and is subject to criminal charges in the United States.

19 (y) Oliver Schmidt, the former General Manager in charge of the Engineering and
20 Environmental Offices, may testify regarding his and Volkswagen's knowledge, approval,
21 authorization, direction, ratification and/or participation in the development and use of the defeat
22 devices in Volkswagen vehicles, and the fraud and conspiracy engaged in by Defendants as alleged
23 in the First Amended Complaint. Plaintiffs understand that Mr. Schmidt is currently incarcerated in
24 the United States.

25 (z) Jürgen Peter, a longtime VWAG employee who worked in the certification group
26 and acted as a liaison between regulatory agencies and VWAG, may testify regarding his and
27 Volkswagen's knowledge, approval, authorization, direction, ratification and/or participation in the
28 development and use of the defeat devices in Volkswagen vehicles, and the fraud and conspiracy

1 engaged in by Defendants as alleged in the First Amended Complaint. Plaintiffs understand that
2 Mr. Peter currently resides Germany and is subject to criminal charges in the United States.

3 (aa) James Robert Liang, a former member of Volkswagen's development department
4 and then Leader of Diesel Competence for VWGoA, may testify regarding his and Volkswagen's
5 knowledge, approval, authorization, direction, ratification and/or participation in the development
6 and use of the defeat devices in Volkswagen vehicles, and the fraud and conspiracy engaged in by
7 Defendants as alleged in the First Amended Complaint. Plaintiffs understand that Mr. Liang is
8 currently incarcerated in the United States.

9 (bb) Ulrich Hackenberg, a Volkswagen engineer tasked with R&D and engine
10 development for clean diesel vehicles, may testify regarding his knowledge of the technologies
11 Volkswagen needed to develop "clean diesel" vehicles, and promotion and/or rejection of certain
12 technologies at Volkswagen, as well as Volkswagen's knowledge, approval, authorization,
13 direction, ratification and/or participation in the development and use of the defeat devices in
14 Volkswagen vehicles, and the fraud and conspiracy engaged in by Defendants as alleged in the
15 First Amended Complaint. Plaintiffs understand that Mr. Hackenberg currently resides in Germany.

16 (cc) Wolfgang Hatz, a Volkswagen engineer tasked with R&D and engine development
17 for clean diesel vehicles, may testify regarding his knowledge of the technologies Volkswagen
18 needed to develop "clean diesel" vehicles, and promotion and/or rejection of certain technologies at
19 Volkswagen, as well as Volkswagen's knowledge, approval, authorization, direction, ratification
20 and/or participation in the development and use of the defeat devices in Volkswagen vehicles, and
21 the fraud and conspiracy engaged in by Defendants as alleged in the First Amended Complaint.
22 Plaintiffs understand that Mr. Hatz was arrested in Germany and remains in custody there.

23 (dd) Frank Tuch, former head of quality assurance for VWAG whose duties included
24 oversight of various Volkswagen laboratories including those located in the United States that were
25 primarily responsible for emissions testing, may testify regarding his knowledge and Volkswagen's
26 knowledge, approval, authorization, direction, ratification and/or participation in the development
27 and use of the defeat devices in Volkswagen vehicles, and the fraud and conspiracy engaged in by
28 Defendants as alleged in the First Amended Complaint. Plaintiffs do not know where Mr. Tuch

1 currently resides.

2 (ee) Wolfgang Bernhard, a former VWAG executive, will testify regarding may testify
3 regarding his knowledge of the technologies Volkswagen needed to develop “clean diesel”
4 vehicles, and promotion and/or rejection of certain technologies at Volkswagen, as well as
5 VWAG’s knowledge, approval, authorization, direction, ratification and/or participation in the
6 development and use of the defeat devices in Volkswagen vehicles, and the fraud and conspiracy
7 engaged in by Defendants as alleged in the First Amended Complaint. Plaintiffs understand that
8 Mr. Bernhard currently resides in Germany.

9 (ff) Andreas Specht, a VWAG employee, may testify regarding VWAG and Bosch
10 GmbH’s knowledge, approval, authorization, direction, ratification and/or participation in the
11 development and use of the defeat devices in Volkswagen vehicles, and the fraud and conspiracy
12 engaged in by Defendants as alleged in the First Amended Complaint. Plaintiffs believe Mr. Specht
13 may currently reside in Germany.

14 (gg) Dieter Mannigel, a VWAG employee, may testify regarding VWAG and Bosch
15 GmbH’s knowledge, approval, authorization, direction, ratification and/or participation in the
16 development and use of the defeat devices in Volkswagen vehicles, and the fraud and conspiracy
17 engaged in by Defendants as alleged in the First Amended Complaint. Plaintiffs believe Mr.
18 Mannigel may currently reside in Germany.

19 (hh) Rudolf Krebs, a VWAG employee and officer, may testify regarding VWAG and
20 Bosch GmbH’s knowledge, approval, authorization, direction, ratification and/or participation in
21 the development and use of the defeat devices in Volkswagen vehicles, and the fraud and
22 conspiracy engaged in by Defendants as alleged in the First Amended Complaint. Plaintiffs believe
23 Mr. Krebs may currently reside in Germany.

24 (ii) Mathias Klaproth, a VWAG employee, may testify regarding VWAG and Bosch
25 GmbH’s knowledge, approval, authorization, direction, ratification and/or participation in the
26 development and use of the defeat devices in Volkswagen vehicles, and the fraud and conspiracy
27 engaged in by Defendants as alleged in the First Amended Complaint. Plaintiffs believe Mr.
28 Klaproth may currently reside in Germany.

1 (jj) Thorsten Schmidt, a VWAG employee, may testify regarding VWAG and Bosch
2 GmbH's knowledge, approval, authorization, direction, ratification and/or participation in the
3 development and use of the defeat devices in Volkswagen vehicles, and the fraud and conspiracy
4 engaged in by Defendants as alleged in the First Amended Complaint. Plaintiffs believe Mr.
5 Schmidt may currently reside in Germany.

6 (kk) Hermann Middendorf, a VWAG employee, may testify regarding VWAG and
7 Bosch GmbH's knowledge, approval, authorization, direction, ratification and/or participation in
8 the development and use of the defeat devices in Volkswagen vehicles, and the fraud and
9 conspiracy engaged in by Defendants as alleged in the First Amended Complaint. Plaintiffs believe
10 Mr. Middendorf may currently reside in Germany.

11 (ll) Hanno Jelden, Head of Powertrain Electronics at VWAG, may testify regarding
12 VWAG and Bosch GmbH's knowledge, approval, authorization, direction, ratification and/or
13 participation in the development and use of the defeat devices in Volkswagen vehicles, and the
14 fraud and conspiracy engaged in by Defendants as alleged in the First Amended Complaint.
15 Plaintiffs believe Mr. Jelden may currently reside in Germany.

16 (mm) Friedrich Eichler, Powertrain Development Chief at VWAG, may testify regarding
17 VWAG and Bosch GmbH's knowledge, approval, authorization, direction, ratification and/or
18 participation in the development and use of the defeat devices in Volkswagen vehicles, and the
19 fraud and conspiracy engaged in by Defendants as alleged in the First Amended Complaint.
20 Plaintiffs believe Mr. Eichler may currently reside in Germany.

21 (nn) Frank Alich, an employee at VWAG, may testify regarding VWAG and Bosch
22 GmbH's knowledge, approval, authorization, direction, ratification and/or participation in the
23 development and use of the defeat devices in Volkswagen vehicles, and the fraud and conspiracy
24 engaged in by Defendants as alleged in the First Amended Complaint. Plaintiffs believe Mr. Alich
25 may currently reside in Germany.

26 (oo) Martin Hierse with Audi AG may testify regarding Volkswagen and Bosch GmbH's
27 knowledge, approval, authorization, direction, ratification and/or participation in the development
28 and use of the defeat devices in Volkswagen vehicles, and the fraud and conspiracy engaged in by

1 Defendants as alleged in the First Amended Complaint. Plaintiffs believe Mr. Hierse may currently
2 reside in Germany.

3 (pp) Suanne Thomas, a regulatory strategist for Volkswagen, may testify regarding
4 Volkswagen's regulatory strategies including with the U.S. Environmental Protection Agency,
5 dealings between the Volkswagen Defendants and the Bosch Defendants regarding regulators, and
6 Defendants' knowledge, approval, authorization, direction, ratification and/or participation in the
7 development and use of the defeat devices in Volkswagen vehicles, and the fraud and conspiracy
8 engaged in by Defendants as alleged in the First Amended Complaint. Plaintiffs understand that
9 Ms. Thomas currently resides in or around Detroit, Michigan.

10 (qq) Steffen Vieser, an employee with VWAG, may testify regarding Volkswagen's
11 regulatory strategies, dealings between the Volkswagen Defendants and the Bosch Defendants
12 regarding regulators, and Defendants' knowledge, approval, authorization, direction, ratification
13 and/or participation in the development and use of the defeat devices in Volkswagen vehicles, and
14 the fraud and conspiracy engaged in by Defendants as alleged in the First Amended Complaint.
15 Plaintiffs understand that Mr. Vieser currently resides in or around Kipfenberg, Bavaria, Germany.

16 (rr) Stuart Johnson, who was the head of Volkswagen's Engineering and Environmental
17 Office in Michigan, may testify regarding Volkswagen's regulatory strategies, dealings between
18 the Volkswagen Defendants and the Bosch Defendants regarding regulators, and Defendants'
19 knowledge, approval, authorization, direction, ratification and/or participation in the development
20 and use of the defeat devices in Volkswagen vehicles, and the fraud and conspiracy engaged in by
21 Defendants as alleged in the First Amended Complaint. Plaintiffs understand that Mr. Johnson
22 currently resides in or around Detroit, Michigan.

23 (ss) Zaccheo Giovanni Pamio, who was head of thermodynamics in Audi's engine
24 development department, may testify regarding Volkswagen's regulatory strategies, dealings
25 between the Volkswagen Defendants and the Bosch Defendants regarding regulators, and
26 Defendants' knowledge, approval, authorization, direction, ratification and/or participation in the
27 development and use of the defeat devices in Volkswagen vehicles, and the fraud and conspiracy
28 engaged in by Defendants as alleged in the First Amended Complaint. Plaintiffs understand that

1 Mr. Pamio was arrested in Germany in 2017 and remains in custody there.

2 (tt) Mark Barnes, Senior Vice President with VWGoA, may testify regarding
3 Volkswagen's sales, advertising and marketing efforts related to "clean diesel" vehicles, compliance
4 efforts, oversight of employees responsible for all sales functions and Volkswagen dealerships, and
5 VWGoA's knowledge, approval, authorization, direction, ratification and/or participation in the
6 development and use of the defeat devices in Volkswagen vehicles. Plaintiffs understand that Mr.
7 Barnes is currently located in the Washington D.C. area.

8 (uu) John Schilling, former Director of Communications and Public Relations at
9 VWGoA, may testify regarding VWGoA's response to and cover up of the scope of the emissions
10 scandal. Plaintiffs understand that Mr. Schilling is currently located in Los Angeles, California.

11 (vv) Daniel Donovan, a former Volkswagen Technical Manager, may testify regarding
12 his refusal to participate in, and his attempt to stop, destruction of electronic evidence related to the
13 emissions scandal, as well as Volkswagen's continued destruction of evidence. Plaintiffs believe
14 that Mr. Donovan is located in the Detroit, Michigan area.

15 (ww) Corporate representative(s) for VWAG who may testify regarding the authentication
16 of business records, corporate structure, its relationship with other Defendants and entities
17 identified in the First Amended Complaint, and VWAG's knowledge, approval, authorization,
18 direction, ratification and/or participation in the development and use of the defeat devices in
19 Volkswagen vehicles, and the fraud and conspiracy engaged in by Defendants as alleged in the
20 First Amended Complaint. Plaintiffs understand that such representatives may be reached through
21 VWAG's counsel of record.

22 (xx) Corporate representative(s) for VWGoA who may testify regarding the
23 authentication of business records, corporate structure, its relationship with other Defendants and
24 entities identified in the First Amended Complaint, VWGoA's knowledge, approval, authorization,
25 direction, ratification and/or participation in the development and use of the defeat devices in
26 Volkswagen vehicles, the fraud and conspiracy engaged in by Defendants as alleged in the First
27 Amended Complaint and its actions, business dealings with and communications, representation
28 and omissions directed toward Plaintiffs. Plaintiffs understand that such representatives may be

1 reached through VWGoA's counsel of record.

2 (yy) Volkmar Denner, the current Chief Executive Officer of Bosch GmbH who also is
3 or was the Chief Technology Officer, may testify regarding his and Bosch GmbH's knowledge,
4 approval, authorization, direction, ratification and/or participation in the development and use of
5 the defeat devices in Volkswagen vehicles, and the fraud and conspiracy engaged in by Defendants
6 as alleged in the First Amended Complaint. Plaintiffs understand that Mr. Denner currently resides
7 in Germany.

8 (zz) Corporate representative(s) for Bosch GmbH and/or Bosch Diesel Systems who may
9 testify regarding the authentication of business records, corporate structure, its relationship with
10 other Defendants and entities identified in the First Amended Complaint, and Bosch GmbH's
11 knowledge, approval, authorization, direction, ratification and/or participation in the development
12 and use of the defeat devices in Volkswagen vehicles, and the fraud and conspiracy engaged in by
13 Defendants as alleged in the First Amended Complaint. Plaintiffs understand that such
14 representatives may be reached through Bosch GmbH's counsel of record.

15 (aaa) Corporate representative(s) for Bosch LLC and/or Bosch Diesel Systems who may
16 testify regarding the authentication of business records, corporate structure, its relationship with
17 other Defendants and entities identified in the First Amended Complaint, and Bosch LLC's
18 knowledge, approval, authorization, direction, ratification and/or participation in the development
19 and use of the defeat devices in Volkswagen vehicles, and the fraud and conspiracy engaged in by
20 Defendants as alleged in the First Amended Complaint. Plaintiffs understand that such
21 representatives may be reached through Bosch LLC's counsel of record.

22 (bbb) Corporate representative(s) for IAV GmbH, an engineering company in the
23 automotive industry, who may testify regarding the authentication of business records, corporate
24 structure, its relationship with the Defendants and other entities identified in the First Amended
25 Complaint, and IAV GmbH's knowledge, approval, authorization, direction, ratification and/or
26 participation in the development and use of the defeat devices in Volkswagen vehicles, and the
27 fraud and conspiracy engaged in by Defendants as alleged in the First Amended Complaint. IAV
28 GmbH is a private limited company headquartered in Berlin, Germany.

1 (ccc) Corporate representative(s) for IAV Automotive Engineering, Inc., a subsidiary of
2 IAV GmbH, who may testify regarding the authentication of business records, corporate structure,
3 its relationship with the Defendants and other entities identified in the First Amended Complaint,
4 and its knowledge, approval, authorization, direction, ratification and/or participation in the
5 development and use of the defeat devices in Volkswagen vehicles, and the fraud and conspiracy
6 engaged in by Defendants as alleged in the First Amended Complaint. Plaintiffs understand that
7 IAV Automotive Engineering, Inc. is based out of Michigan.

8 (ddd) Corporate representative(s) of Mightycomm, a public relations firms, may testify
9 regarding its work with Bosch GmbH and Bosch LLC and their lobbying and marketing efforts in
10 the United States. Mightycomm is based out of California.

11 (eee) A representative and document custodian of West Virginia University's Center for
12 Alternative Fuels, Engines & Emissions may testify regarding the study and published results
13 commissioned by the International Council on Clean Transportation, and communications with
14 Volkswagen regarding said study and results.

15 (fff) A representative and document custodian of Northwestern University's Feinberg
16 School of Medicine may testify regarding the study and published results from 2016 titled *Public*
17 *Health Impact and Economic Costs of Volkswagen's Lack of Compliance with the United States'*
18 *Emission Standards*, which forth the impact of Volkswagen vehicles releasing elevated emissions.

19 (ggg) A representative and document custodian of Columbia University's Mailman School
20 of Public Health may testify regarding the study and published results from 2016 titled *Public*
21 *Health Impact and Economic Costs of Volkswagen's Lack of Compliance with the United States'*
22 *Emission Standards*, which forth the impact of Volkswagen vehicles releasing elevated emissions.

23 (hhh) Expert and/or other witnesses will testify as appropriate.

24 Plaintiffs reserve the right to identify additional witnesses that may testify regarding
25 Defendants' liability and Plaintiffs' damages as their investigation continues and discovery
26 progresses.

1 **2. FRCP 26(a)(1)(A)(ii): A copy—or a description by category and location—of all**
2 **documents, electronically stores information, and tangible things that the disclosing party has**
3 **in its possession, custody, or control and may use to support its claims or defenses, unless the**
4 **use would be solely for impeachment.**

5 Documents that are in the possession, custody or control of Plaintiffs that may be used to
6 support their claims and defenses are as follows:

- 7 (a) Slevin Automotive Group Volkswagen Proposals, Presentations and Application
8 materials;
- 9 (b) VW Sales and Profit Forecast and drafts;
- 10 (c) Dealership Facility plans and design documents, including documents related to the
11 White Frame Program;
- 12 (d) Volkswagen October 3, 2013 Letter of Intent, drafts and amendments;
- 13 (e) Documents comprising the October 30, 2015 Dealer Agreement, drafts and
14 amendments;
- 15 (f) Correspondence with VWGoA and its agents;
- 16 (g) New Vehicle Inventory Listings;
- 17 (h) Sales Reports;
- 18 (i) Allocation Reports;
- 19 (j) 2016 Volkswagen Price and Order Guide;
- 20 (k) Information available through Volkswagen's DMS;
- 21 (l) Dealership Financial Statements;
- 22 (m) Ernst & Morris Cost Segregation Analysis;
- 23 (n) Federal Asset Report;
- 24 (o) Internal report itemizing certain fixed expenditures and assets;
- 25 (p) Loan documents and statements; and
- 26 (q) Documents that have been filed in this lawsuit.

1 These documents are maintained by Plaintiffs through their counsel and/or at their places of
 2 business in Chicago, Schaumburg and Elgin, Illinois.

3 Other documents include those documents specifically cited in the First Amended
 4 Complaint (“FAC”), which are publicly available at the website addresses identified in the FAC
 5 and/or already within the possession, custody, or control of one or more of the Defendants,
 6 including but not limited to those documents requested by Plaintiffs’ in discovery.

7 Plaintiffs reserve the right to identify additional documents that may be used to support
 8 their claims as discovery progresses.

9
 10 **3. FRCP 26(a)(1)(A)(iii): A computation of each category of damages claimed by the**
 11 **disclosing party—who must also make available for inspection and copy as under Rule 34 the**
 12 **documents or other evidentiary material, unless privileged or protected from disclosure, on**
 13 **which such computation is based, including materials bearing on the nature and extent of**
 14 **injuries suffered.**

15 SCI seeks compensatory damages resulting from it expenses to acquire and construct Elgin
 16 VW’s dealership facility, which it calculates to have cost approximately \$13,056,859. SCI would
 17 not have invested these funds but for the fraudulent conduct of Defendants. SCI’s losses include the
 18 diminution in value of the dealership property and facility resulting from Defendants’ fraud, the
 19 lost opportunity for the use of SCI’s capital, additional expenses related to borrowed capital,
 20 including interest, and decreased rent/use and occupancy due and owing to SCI for the use of the
 21 property and facility, and carrying costs.

22 Elgin VW seeks compensatory damages resulting from lost profits, lost trade-ins, lost
 23 service revenue, lost opportunity costs, the inability to sell vehicles at a premium, increased
 24 inventory carrying costs, paying for alternative inventory, decreased value of dealership inventory,
 25 reduced inventory, Volkswagen’s imposition of the TDI buyback program upon Elgin VW, a new
 26 add point dealership at the time of the scandal, expenses resulting from the turnover of key sales
 27 personnel because of the scandal, and increased financing and related expenses. At this time, Elgin
 28 VW has already incurred at total of \$4,528,458 in actual operating losses from inception through
 May 31, 2018. The total amount of its lost expected profits and reduction in inventory value is still

1 unknown and will be subject to expert testimony subject to the Court's scheduling orders and Rule
2 26.

3 In total, Plaintiffs' total compensatory damages are estimated to exceed \$10,000,000 and
4 continue to grow each month. A precise calculation of Plaintiffs' compensatory damages will be
5 provided through expert testimony subject to the Court's scheduling orders and Rule 26.

6 Plaintiffs also seeks the costs of this suit, including attorney's fees and experts' fees.
7 Pursuant to 18 U.S.C. § 1964(c), Plaintiffs seek treble damages and the costs of the suit, including
8 attorney's fees and experts' fees, and injunctive/equitable relief. Pursuant to 815 ILCS 710/13,
9 Elgin VW seeks treble damages and the costs of the suit, including attorney's fees and experts'
10 fees. Plaintiffs seek punitive damages against Defendants estimated to exceed \$30,000,000.

11 Plaintiffs' categories and computations of damages, and the supporting documents, are
12 subject to amendment and supplementation as Plaintiffs' investigation and discovery continue.

13 The documents identified to date that support these computations of damages are described
14 in Section 3 above, particularly items (l), (m), (n) and (o). Other documents may also support these
15 calculations, or other measures of damages. The documents referenced in items (l), (m), (n) and (o)
16 contain sensitive financial data that could be used to put SCI and Elgin VW at a competitive
17 disadvantage and will be made available for inspection and copying upon entry of an appropriate
18 protective order applicable to this matter.

19 **4. FRCP 26(a)(1)(A)(iv): For inspection and copying as under Rule 34, any insurance**
20 **agreement under which an insurance business may be liable to satisfy all or part of a possible**
21 **judgment in the action or to indemnify or reimburse for payments made to satisfy the**
judgment.

22 There are no claims pending against Plaintiffs, and Plaintiffs have no documents or
23 information responsive to this requirement.

24 Plaintiffs expressly reserves the right to supplement and/or revise each of the disclosures
25 made herein.

1 Dated: July 13, 2018

Respectfully submitted,

2 ICONIC MOTORS, INC. d/b/a ELGIN
3 VOLKSWAGEN and SLEVIN CAPITAL
INVESTMENT, INC., Plaintiffs,

4 By: /s/ Ira M. Levin

5 One of their attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2018, a copy of the foregoing document was served via email on:

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